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Attorney for Defendant  
JOSE ANTONIO CRUZ

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,

No. CR 09-1157 DLJ

Plaintiff,

**STIPULATION AND ORDER TO  
CONTINUE SENTENCING DATE**

v.

JOSE ANTONIO CRUZ

Defendant.

The defendant Jose Cruz is scheduled to be sentenced on October 1, 2010. The Court re-set the sentencing to October 1, 2010, after informing the parties that the original date of September 24, 2010, was vacated due to the Court's unavailability. Subsequent to this re-setting, defense counsel became aware of a scheduling conflict with respect to the October 1, 2010, sentencing date. Therefore Mr. Cruz, by and through counsel, and the United States do hereby stipulate and agree, and do jointly request that the Court (1) vacate the October 1, 2010, sentencing date and (2) re-set the sentencing date for the defendant Jose Cruz to

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October 8, 2010, at 10:00 a.m.

**IT IS SO STIPULATED**

Dated: September 1, 2010

/s/  
DOUGLAS HORNGRAD  
Attorney for Defendant  
JOSE CRUZ


Dated: September 1, 2010

/s/  
GARTH HIRE  
Assistant United States Attorney

**ORDER**

Good cause appearing, it is hereby ORDERED that the sentencing hearing for the defendant Jose Cruz previously scheduled for October 1, 2010, be continued to October 8, 2010, at 10:00 a.m.

Dated: September 2, 2010

  
D. LOWELL JENSEN  
United States District Court Judge